# WOLFGANG P. HIRCZY DE MINO, PhD

September 13, 2020

Via e-file

Hon. Christopher A. Prine Clerk of the First Court of Appeals 301 Fannin Street Houston, Texas 77002-2066 RECEIVED IN 14th COURT OF APPEALS HOUSTON, TEXAS 9/13/2020 6:27:20 PM CHRISTOPHER A. PRINE Clerk

RE: COA Case No. <u>14-20-00627-CV</u> (interlocutory appeal of order denying temporary injunction) Style: The State of Texas v. Chris Hollins, in his official capacity as Harris County Clerk Trial Court Case Info: Cause No. 2020-52383, State v. Hollins, Chris, pending in the 127<sup>th</sup> District Court of Harris County, Texas (Hon. Sandill, presiding judge). Related cases:

## **AMICUS CURIAE LETTER RE: EMERGENCY RELIEF**

#### Dear Mr. Prine:

With respect to the **status quo** -- a relevant consideration whether temporary relief should be granted -- please be informed that the U.S. Postal Service has distributed through a mass-mailing a generic flyer to residents of Harris County (**postal customers**, **not registered voters**) which instructs recipients about applying to vote by mail. The information is not *state*-specific and says nothing about eligibility criteria under the Texas Election Code, or about the Texas Attorney General's threats to prosecute those who do not apply in good faith on the "disability" ground as he sees it. This is a *fait accompli* and as such part of the status quo, and neither party had control over it.

Also note that the Secretary of State's website fails to provides the public with the verbatim definition of all four eligibility grounds for voting-by-mail under the Texas Election Code, not to mention the Texas Supreme Court's interpretation of "disability" with respect to COVID-19, which the Texas Legislature could not specifically address when it enacted the absentee voting statute, or even in the most recent legislative session since it ended before the outbreak of the pandemic.

By contrast to the SOS web page and the USPS mass mailer, Chris Hollins' proposed mailer sets forth concisely the governing eligibility criteria now in effect pursuant to the extant Texas Election Code as construed by the high court. As such, it provides needed information & clarification to both groups: those who are eligible and those who are not.

If the Attorney General and the Solicitor General are correct about the electorate already being confused (I don't disagree), the proposed flyer -- sent with the imprimatur of the official actually in charge of conducting the election in Harris County -- will <u>reduce the confusion</u> as best as is humanly possible, while the SOS's website and the USPS mailer will not.

Please also note the Texas Supreme Court has not even posted its *In re State* opinion in Case No. <u>20-0394</u> on the online docket sheet for this case. Only Justice Bland's concurrence is currently

available. How can the voters be expected to comply with the law if the law is concealed from them by the very judicial entity that issued it?

Respectfully submitted,

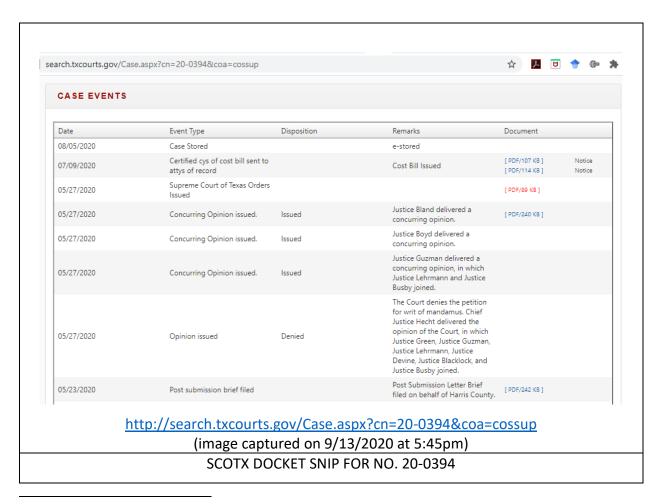
/s/ Wolfgang P. Hirczy de Miño

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Amicus Curiae 1



<sup>&</sup>lt;sup>1</sup> Amicus Curiae Wolfgang P. Hirczy de Mino, PhD (Univ. of Houston 1992) is a political scientist who wrote his dissertation on Electoral Participation and has published several articles on turnout and election systems in scholarly journals. No payment was received for the preparation of this amicus curiae letter and none is expected. The author is solely responsible for its content. The parties will be served via the Texas e-file system. Tex. R. App. P. 11.

### **CERTIFCATE OF SERVICE**

I hereby certify that I am serving the parties to this case through their respective attorneys' email addresses on file with the Texas eFile system on Sunday, September 13, 2020.

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/s/ \_\_Wolfgang P. Hirczy de Miño \_\_ Wolfgang P. Hirczy de Mino, PhD

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